IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3563 OF 2004

Mahesh Ramanlal Shah ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Shailesh Kantharia with Mr. Shashank Borade, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

24th September 2004

P.C.:

. Heard Counsel for the parties. The Applicant is one of the accused in connection with offence registered with Kashi Mira Police Station under setions 255 to 260, 263, 465, 420 read with section 34, I.P.C., being Cr. No. I-104/1999. According to the prosecution, the other three co-accused have already been convicted in respect of the same offence.

However, the Applicant was absconding. According to the Applicant, however, the Applicant was arrested in connection with some other offence registered with Kashi Mira Police Station and was released on bail during the same time, for which reason it is preposterous to suggest that the Applicant was absconding. Be that as it may, the fact remains that besides the confessional statement of the co-accused, there is no other evidence to implicate the Applicant in the commission of the alleged offence. This position is fairly accepted by the learned A.P.P. coupled with the fact that investigation is complete and charge sheet is filed. In the circumstances, to my mind, the Applicant deserves to be released on bail on the following conditions.

(a) The Applicant is released on bail in connection with Cr.No. I-109/1999 registered with Kashi Mira Police Station on executing personal bond in the sum of Rs.50,000/- and two local sureties in the like amount.

(b) The Applicant shall regularly report to the concerned police station on first

Saturday of every month between 10 a.m. to 12 p.m.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

. Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)